THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 11457 of 2005

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Dated: 16.09.2005

Between:

K. Sudhakar S/o. K. Ramakrishna Rao
R/o. Q.No.S&C/Type.IV/3-B,

Opposite Railway Stadium,

Railway New Colony Visakhapatnam.

..... PETITIONER

AND

The Commissioner Endowments Department
Hyderabad and another.

… **RESPONDENTS**

ORDER:

The relief sought for in this writ petition is to declare the action of the respondents in trying to demolish the shed of the petitioner in S.No.275/P admeasuring 336 square yards situated at Adivivaram village, Visakhapatnam, as arbitrary and illegal.

None appeared for the petitioner on 15.09.2005. Therefore, the writ petition is directed to be listed today. Even today none appeared for the petitioner.

The petitioner claims that he is the absolute owner of the land admeasuring 336 square yards in S.No.275/p of Adivivaram village, Visakhapatnam District and he had constructed a shed therein. While so, the respondents issued a notification calling for application for regularization of the Simhachalam Devasthanam lands by the occupants under G.O.Ms.No. 578 dated 19.08.2000. Thereupon, the petitioner made a representation dated 08.11.2004 to the respondents expressing his willingness to pay the amount as fixed by them. When the respondents failed to take any action on his representation, the petitioner filed W.P.No.8170 of 2005, wherein this Court, by an order dated 13.04.2005, directed the respondents to consider the representation of the petitioner and pass appropriate orders within four weeks. The grievance of the petitioner is that despite the directions of this Court, without considering his representation and without issuing any notice, the respondents are trying to demolish the shed on the land in question. Hence this writ petition.

However, learned standing counsel for respondents 1 and 2 contended that the land in question belong to Devasthanam and it is not the land of the petitioner.

Therefore, the question as to whether the petitioner is the owner of the land in question or whether it belongs to the Devasthanam has to be decided by the competent Court of Civil jurisdiction and such disputed questions of title cannot be determined by this Court, while exercising jurisdiction under Article 226 of the Constitution of India.

Hence, the writ petition is devoid of merits and the same is accordingly dismissed. No costs.

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16.09.2005

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